

1 THE HONORABLE BARBARA J. ROTHSTEIN

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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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8 STUART SCHUPLER, individually and on behalf
9 of all similarly situated individuals,

10 Plaintiff,

11 v.

12 T-MOBILE USA, INC.,

13 Defendant.
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No. 2:21-cv-01161-BJR

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS PENDING
JPML'S RULING ON TRANSFER**

STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01161-BJR) - 1

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1 Under Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiff Stuart
2 Schupler and Defendant T-Mobile USA, Inc. (together “the Parties”), move the Court to
3 temporarily stay all proceedings and deadlines in this action pending a ruling by the Judicial Panel
4 on Multidistrict Litigation (“JPML”) on the pending motion to transfer under 28 U.S.C. § 1407.
5 *See In re: T-Mobile Customer Data Sec. Breach Litig.*, MDL No. 3019 (ECF No. 1). In support
6 of this motion, the Parties state:

7 Plaintiff filed this case on August 26, 2021. *See* ECF No. 1. Plaintiff alleges T-Mobile
8 failed to adequately safeguard the personal information of its customers from a criminal third-party
9 actor. *Id.* The plaintiffs in over 40 putative class actions have made similar allegations against T-
10 Mobile based on the data-security incident. *See In re T-Mobile*, MDL No. 3019 (ECF Nos. 1-1,
11 2, 8-1, 11, 20, 48, 62, 65, 70). These cases are pending in over ten federal judicial districts. *See*
12 *id.*

13 Good cause exists for a temporary stay because—given the number of similar, overlapping
14 cases—it is likely the JPML will grant the pending motion to transfer and coordinate or consolidate
15 the related cases for pretrial proceedings under 28 U.S.C. § 1407. *See id.* (ECF No. 1). This case
16 was noticed to the JPML because of its related nature. *See id.* (ECF No. 11). In order to conserve
17 judicial resources and the resources of the Parties in addressing multiple, related putative class
18 actions, the Parties agree to this temporary stay. Under these circumstances, “[c]ourts frequently
19 grant stays pending a decision by the MDL Panel regarding whether to transfer a case.” *Good v.*
20 *Prudential Ins. Co. of Am.*, 5 F.Supp.2d 804, 809 (N.D. Cal. 1998); *see Short v. Hyundai Motor*
21 *Am. Inc.*, No. C19-0318JLR., 2019 WL 3067251 (W.D. Wash. July 12, 2019) (granting stay
22 pending JPML’s ruling on Section 1407 motion); *Gonzalez v. Merck & Co.*, No. 07-cv-3034, 2007
23 WL 2220286, at *2 (E.D. Wash. Aug. 2, 2007) (granting defendant’s motion to stay pending

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1 transfer decision and noting that “well settled case law . . . dictates a stay should be granted to
2 promote judicial economy”); *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997)
3 (granting stay pending JPML’s ruling because “a majority of courts have concluded that it is often
4 appropriate to stay preliminary pretrial proceedings while a motion to transfer and consolidate is
5 pending with the MDL Panel”); *Bonefant v. R.J. Reynolds Tobacco Co.*, No. 07-cv-60301, 2007
6 WL 2409980, at *1 (S.D. Fla. July 31, 2007) (“[I]t is common practice for courts to stay an action
7 pending a transfer decision by the JPML.”).

8 Moreover, pursuant to stipulated motions, this Court recently stayed seven cases pending
9 the JPML’s ruling on a motion to transfer. *See Donovan v. T-Mobile USA, Inc.*, No. 2:21-cv-
10 01138-BJR (W.D. Wash. filed Sept. 15, 2021) (ECF No. 12); *Akins v. T-Mobile USA, Inc.*, No.
11 2:21-cv-01179-BJR (W.D. Wash. filed Sept. 15, 2021) (ECF No. 8); *Hughes v. T-Mobile USA,*
12 *Inc.*, No. 2:21-cv-01139-BJR (W.D. Wash. filed Sept. 17, 2021) (ECF No. 14); *Villalon v. T-*
13 *Mobile USA, Inc.*, No. 2:21-cv-1148-BJR (W.D. Wash. filed Sept. 17, 2021) (ECF No. 11);
14 *Espanoza v. T-Mobile USA, Inc.*, No. 2:21-cv-1119-BJR (W.D. Wash. filed Sept. 17, 2021) (ECF
15 No. 29); *Huerta v. T-Mobile USA, Inc.*, No. 2:21-cv-01183-BJR (W.D. Wash. filed Aug. 31, 2021)
16 (ECF No. 10); *Brackman v. T-Mobile USA, Inc.*, No. 2:21-cv-01277-BJR (W.D. Wash. filed Sept.
17 21, 2021) (ECF No. 13). Nine other courts have also granted similar stays. *See Avrech v. T-Mobile*
18 *USA, Inc.*, No. 4:21-cv-6660 (N.D. Cal. Oct. 1, 2021) (ECF No. 27); *Savick v. T-Mobile USA, Inc.*,
19 No. 3:21-cv-16005 (D.N.J. Oct. 4, 2021) (ECF No. 12); *Hill v. T-Mobile USA, Inc.*, No. 2:21-cv-
20 4164 (W.D. Mo. Oct. 5, 2021) (ECF No. 14); *Sadrgilany v. T-Mobile USA, Inc.*, No. 3:21-cv-
21 16155 (D.N.J. Oct. 7, 2021) (ECF No. 11); *Christie v. T-Mobile USA, Inc.*, No. 3:21-cv-16181
22 (D.N.J. Oct. 7, 2021) (ECF No. 10); *Palomino v. T-Mobile USA, Inc.*, No. 3:21-cv-16536 (D.N.J.
23 Oct. 8, 2021) (ECF No. 12); *Peralta v. T-Mobile USA, Inc.*, No. 5:21-cv-838 (W.D. Okla. Oct. 8,

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2021) (ECF No. 10); *Feinberg v. T-Mobile USA, Inc.*, No. 2:21-cv-7531 (C.D. Cal. Oct. 12, 2021) (ECF No. 16); *Lang v. T-Mobile USA, Inc.*, No. No. 5:21-cv-6879 (N.D. Cal. Oct. 14, 2021) (ECF No. 16); *Lomax v. T-Mobile USA, Inc.*, No. 2:21-cv-1764 (D. Nev. Oct. 15, 2021) (ECF No. 14); *Winkler v. T-Mobile USA, Inc.*, No. 7:21-cv-322 (S.D. Tex. Oct. 18, 2021) (ECF No. 8); *Metzger v. T-Mobile USA, Inc.*, No. 2:21-cv-4721 (E.D.N.Y. Oct. 21, 2021) (docket order); *Bensen v. T-Mobile USA, Inc.*, No. 6:21-cv-06628 (W.D.N.Y. Oct. 28, 2021) (ECF No. 6).

Consistent with those rulings, the Court should grant the Parties a short stay of proceedings until the JPML rules on the pending motion to transfer under Section 1407.

Dated: October 28, 2021

By: /s/ Steve Y. Koh

By: /s/ Duncan C. Turner

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1 **ORDER**

2 IT IS SO ORDERED.

3 Dated this 1st day of November, 2021.

4
5 s/Barbara J. Rothstein
6 Barbara J. Rothstein
7 U.S. District Court Judge

8 Presented by:

9
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